

EXHIBIT D

**UNITED STATES INTERNATIONAL TRADE COMMISSION
WASHINGTON, D.C.**

**Before The Honorable Carl C. Charneski
Administrative Law Judge**

In the Matter of

**CERTAIN GAMING AND
ENTERTAINMENT CONSOLES,
RELATED SOFTWARE, AND
COMPONENTS THEREOF**

Investigation No. 337-TA-752

**RESPONDENT MICROSOFT CORPORATION'S RESPONSE TO MOTOROLA
MOBILITY, INC. AND GENERAL INSTRUMENT CORPORATION'S COMPLAINT
AND THE NOTICE OF INVESTIGATION**

**UNITED STATES INTERNATIONAL TRADE COMMISSION
WASHINGTON, D.C.**

**Before The Honorable Carl C. Charneski
Administrative Law Judge**

In the Matter of

**CERTAIN GAMING AND
ENTERTAINMENT CONSOLES,
RELATED SOFTWARE, AND
COMPONENTS THEREOF**

Investigation No. 337-TA-752

**RESPONDENT MICROSOFT CORPORATION'S RESPONSE TO MOTOROLA
MOBILITY, INC. AND GENERAL INSTRUMENT CORPORATION'S COMPLAINT
AND THE NOTICE OF INVESTIGATION**

Respondent Microsoft Corporation ("Microsoft") submits this Response to the Complaint of Motorola Mobility, Inc. and General Instrument Corporation (collectively "Complainants"), filed on November 22, 2010, and to the Notice of Investigation issued by the United States International Trade Commission ("the Commission") as published in 75 Fed. Reg. 246 on December 23, 2010. As an initial matter, Microsoft denies that it has engaged in unfair competition or violated Section 337 of the Tariff Act of 1930, as amended, by importing, selling for importation, or selling within the United States after importation any device that infringes any valid or enforceable intellectual property right at issue in this investigation. Microsoft further denies that any patent claims at issue in this investigation are valid or enforceable. Microsoft further reserves the right to amend or supplement its response based on additional facts or developments that become available or that arise after the filing of this Response. In this light, Microsoft responds to the Complaint by admitting only those facts expressly admitted below and denying all others averred in the Complaint, and stating as follows:

I. INTRODUCTION¹

1. Responding to the allegations of paragraph 1, Microsoft admits that Motorola has requested that the Commission commence an investigation pursuant to Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337 (“Section 337”). Except as admitted, Microsoft denies the remaining allegations of paragraph 1.

2. Responding to the allegations of paragraph 2, Microsoft denies that it engaged in unfair acts in violation of Section 337 by importing, selling for importation, and/or selling within the United States after importation of the Accused Products. Microsoft further denies that it infringes any valid and enforceable claim of any of the Asserted Patents. Microsoft is without sufficient knowledge or information to form a belief as to the truth of the remaining allegations of paragraph 2 and on that basis denies them.

3. Responding to the allegations of paragraph 3, Microsoft is without sufficient knowledge or information to form a belief as to the truth of the allegations of paragraph 3 and on that basis denies them.

4. Responding to the allegations of paragraph 4, Microsoft denies the allegations of paragraph 4.

5. Responding to the allegations of paragraph 5, Microsoft is without sufficient knowledge or information to form a belief as to the truth of the allegations of paragraph 5 and on that basis denies them.

¹ Microsoft repeats the headings set forth in the Complaint in order to simplify comparison of the Complaint and this Response. By doing so, Microsoft makes no admissions regarding the substance of the heading or any other allegations of the Complaint and, in fact, unless otherwise stated, to the extent that a particular heading can be construed as an allegation, Microsoft specifically denies all such allegations.

6. Responding to the allegations of paragraph 6, Microsoft is without sufficient knowledge or information to form a belief as to the truth of the allegations of paragraph 6 and on that basis denies them.

7. Responding to the allegations of paragraph 7, Microsoft admits that Motorola seeks relief from the Commission (“ITC”) in the form of a permanent limited exclusion order and a cease and desist order, but denies that Motorola is entitled to such relief. Except as admitted, Microsoft denies the remaining allegations of paragraph 7.

II. THE PARTIES

A. The Complainants

8. Responding to the allegations of paragraph 8, Microsoft is without sufficient knowledge or information to form a belief as to the truth of the allegations of paragraph 8 and on that basis denies them.

9. Responding to the allegations of paragraph 9, Microsoft is without sufficient knowledge or information to form a belief as to the truth of the allegations of paragraph 9 and on that basis denies them.

10. Responding to the allegations of paragraph 10, Microsoft is without sufficient knowledge or information to form a belief as to the truth of the allegations of paragraph 10 and on that basis denies them.

11. Responding to the allegations of paragraph 11, Microsoft is without sufficient knowledge or information to form a belief as to the truth of the allegations of paragraph 11 and on that basis denies them.

12. Responding to the allegations of paragraph 12, Microsoft is without sufficient knowledge or information to form a belief as to the truth of the allegations of paragraph 12 and on that basis denies them.

13. Responding to the allegations of paragraph 13, Microsoft is without sufficient knowledge or information to form a belief as to the truth of the allegations of paragraph 13 and on that basis denies them.

14. Responding to the allegations of paragraph 14, Microsoft is without sufficient knowledge or information to form a belief as to the truth of the allegations of paragraph 14 and on that basis denies them.

15. Responding to the allegations of paragraph 15, Microsoft is without sufficient knowledge or information to form a belief as to the truth of the allegations of paragraph 15 and on that basis denies them.

16. Responding to the allegations of paragraph 16, Microsoft is without sufficient knowledge or information to form a belief as to the truth of the allegations of paragraph 16 and on that basis denies them.

17. Responding to the allegations of paragraph 17, Microsoft is without sufficient knowledge or information to form a belief as to the truth of the allegations of paragraph 17 and on that basis denies them.

B. The Respondent

18. Responding to the allegations of paragraph 18, Microsoft admits that Microsoft is a corporation organized under the laws of the State of Washington and has its principal place of business at One Microsoft Way, Redmond, WA 98052.

19. Responding to the allegations of paragraph 19, Microsoft admits that Exhibit 18 is attached to the complaint. Microsoft is without sufficient knowledge or information to form a belief as to the truth of the remaining allegations of paragraph 19 and on that basis denies them.

20. Responding to the allegations of paragraph 20, Microsoft admits that at least a portion of the 250 GB Xbox 360 S and the 4 GB Xbox 360 S are manufactured outside the United States. Microsoft is without sufficient knowledge or information to form a belief as to the truth of the remaining allegations of paragraph 20, and on that basis denies them.

III. THE ACCUSED PRODUCTS

21. Responding to the allegations of paragraph 21, Microsoft admits that it designs, has manufactured, and sells certain gaming and entertainment consoles, related software, and components thereof. Microsoft denies the remaining allegations of paragraph 21 and on that basis denies them.

22. Responding to the allegations of paragraph 22, Microsoft is without sufficient knowledge or information to form a belief as to the truth of the allegations of paragraph 22 and on that basis denies them.

23. Responding to the allegations of paragraph 23, Microsoft denies that each of the Accused Products meets each and every limitation of at least one claim of the Asserted Patents.

IV. THE ASSERTED PATENTS AND NON-TECHNICAL DESCRIPTION OF THE ASSERTED PATENTS

A. The '712 Patent

1. Identification of the '712 Patent and Ownership by Motorola Mobility

24. Responding to the allegations of paragraph 24, Microsoft admits that the '712 patent is entitled "Methods and Apparatus for Providing Cryptographic Protection of a Data Stream in a Communication System," and has an issue date of June 7, 1994. Microsoft admits

that a copy of the '712 patent is attached as Exhibit 1 to the Complaint. Microsoft admits that the '712 patent names Louis D. Finkelstein, James J. Kosmach, and Jeffrey C. Smolinske as inventors. Microsoft admits that the '712 patent identifies Motorola as the assignee. Microsoft admits that Exhibit 6 to the Complaint is purported to be a certified copy of this assignment. Microsoft admits that a purported copy of the July 31, 2010 assignment of the '712 patent from Motorola to Motorola Mobility, Inc. is attached as Confidential Exhibit C. Microsoft is without sufficient knowledge or information to form a belief as to the truth of the remaining allegations of paragraph 24 and on that basis denies them.

25. Responding to the allegations of paragraph 25, Microsoft admits that a purported copy of the prosecution history of the '712 patent was submitted in Appendix 1. Microsoft is without sufficient knowledge or information to form a belief as to the truth of the remaining allegations of paragraph 25 and on that basis denies them.

2. Foreign Counterparts to the '712 Patent

26. Responding to the allegations of paragraph 26, Microsoft is without sufficient knowledge or information to form a belief as to the truth of the allegations of paragraph 26 and on that basis denies them.

3. Non-Technical Description of the '712 Patent

27. Responding to the allegations of paragraph 27, Microsoft denies the allegations of paragraph 27.

B. The '571 Patent

1. Identification of the '571 Patent and Ownership by Motorola Mobility

28. Responding to the allegations of paragraph 28, Microsoft admits that the '571 patent is entitled "Method for Point-to-Point Communications within Secure Communication

Systems,” and has an issue date of October 18, 1994. Microsoft admits that a copy of the ’571 patent is attached as Exhibit 2 to the Complaint. Microsoft admits that the ’571 patent names Dean E. Banwart as inventor. Microsoft admits that the ’571 patent identifies Motorola as the assignee. Microsoft admits that Exhibit 7 to the Complaint is purported to be a certified copy of this assignment. Microsoft admits that a purported copy of the July 31, 2010 assignment of the ’571 patent from Motorola to Motorola Mobility, Inc. is attached as Confidential Exhibit C. Microsoft is without sufficient knowledge or information to form a belief as to the truth of the remaining allegations of paragraph 28 and on that basis denies them.

29. Responding to the allegations of paragraph 29, Microsoft admits that a purported copy of the prosecution history of the ’571 patent was submitted in Appendix 2. Microsoft is without sufficient knowledge or information to form a belief as to the truth of the remaining allegations of paragraph 29 and on that basis denies them.

2. Foreign Counterparts to the ’571 Patent

30. Responding to the allegations of paragraph 30, Microsoft is without sufficient knowledge or information to form a belief as to the truth of the allegations of paragraph 30 and on that basis denies them.

3. Non-Technical Description of the ’571 Patent

31. Responding to the allegations of paragraph 31, Microsoft denies the allegations of paragraph 31.

C. The ’896 Patent

1. Identification of the ’896 Patent and Ownership by Motorola Mobility

32. Responding to the allegations of paragraph 32, Microsoft admits that the ’896 patent is entitled “Capability Addressable Network and Method Therefor,” and has an issue date

of May 30, 2000. Microsoft admits that a copy of the '896 patent is attached as Exhibit 3 to the Complaint. Microsoft admits that the '896 patent names Ronald W. Borstahl, Jeffrey Martin Harris, Ernest Earl Woodward, and David G. Leeper as inventors. Microsoft admits that the '896 patent identifies Motorola as the assignee. Microsoft admits that Exhibit 8 to the Complaint is purported to be a certified copy of this assignment. Microsoft admits that a purported copy of the July 31, 2010 assignment of the '896 patent from Motorola to Motorola Mobility, Inc. is attached as Confidential Exhibit C. Microsoft is without sufficient knowledge or information to form a belief as to the truth of the remaining allegations of paragraph 32 and on that basis denies them.

33. Responding to the allegations of paragraph 33, Microsoft admits that a purported copy of the prosecution history of the '896 patent was submitted in Appendix 3. Microsoft is without sufficient knowledge or information to form a belief as to the truth of the remaining allegations of paragraph 33 and on that basis denies them.

2. Foreign Counterparts to the '896 Patent

34. Responding to the allegations of paragraph 34, Microsoft is without sufficient knowledge or information to form a belief as to the truth of the allegations of paragraph 34 and on that basis denies them.

3. Non-Technical Description of the '896 Patent

35. Responding to the allegations of paragraph 35, Microsoft denies the allegations of paragraph 35.

D. The '596 Patent**1. Identification of the '596 Patent and Ownership by Motorola Mobility**

36. Responding to the allegations of paragraph 36, Microsoft admits that the '596 patent is entitled "Macroblock Level Adaptive Frame/Field Coding for Digital Video Content," and has an issue date of December 27, 2005. Microsoft admits that a copy of the '596 patent is attached as Exhibit 9 to the Complaint. Microsoft admits that the '596 patent names Limin Wang, Rajeev Gandhi, Krit Panusopone, and Ajay Luthra as inventors. Microsoft admits that the '596 patent identifies General Instrument as the assignee. Microsoft admits that Exhibit 9 to the Complaint is purported to be a certified copy of this assignment. Microsoft is without sufficient knowledge or information to form a belief as to the truth of the remaining allegations of paragraph 36 and on that basis denies them.

37. Responding to the allegations of paragraph 37, Microsoft admits that a purported copy of the prosecution history of the '596 patent was submitted in Appendix 4. Microsoft is without sufficient knowledge or information to form a belief as to the truth of the remaining allegations of paragraph 37 and on that basis denies them.

2. Foreign Counterparts to the '596 Patent

38. Responding to the allegations of paragraph 38, Microsoft is without sufficient knowledge or information to form a belief as to the truth of the allegations of paragraph 38 and on that basis denies them.

3. Non-Technical Description of the '596 Patent

39. Responding to the allegations of paragraph 39, Microsoft denies the allegations of paragraph 39.

E. The '094 Patent

1. Identification of the '094 Patent and Ownership by Motorola Mobility

40. Responding to the allegations of paragraph 40, Microsoft admits that the '094 patent is entitled "Frequency Coefficient Scanning Paths for Coding Digital Video Content," and has an issue date of January 9, 2007. Microsoft admits that a copy of the '094 patent is attached as Exhibit 5 to the Complaint. Microsoft admits that the '094 patent names Limin Wang, David M. Baylon, Krit Panusopone, Rajeev Gandhi, Yue Yu, and Ajay Luthra as inventors. Microsoft admits that the '094 patent identifies General Instrument as the assignee. Microsoft admits that Exhibit 5 to the Complaint is purported to be a certified copy of this assignment. Microsoft is without sufficient knowledge or information to form a belief as to the truth of the remaining allegations of paragraph 40 and on that basis denies them.

41. Responding to the allegations of paragraph 41, Microsoft admits that a purported copy of the prosecution history of the '094 patent was submitted in Appendix 5. Microsoft is without sufficient knowledge or information to form a belief as to the truth of the remaining allegations of paragraph 41 and on that basis denies them.

2. Foreign Counterparts to the '094 Patent

42. Responding to the allegations of paragraph 42, Microsoft is without sufficient knowledge or information to form a belief as to the truth of the allegations of paragraph 42 and on that basis denies them.

3. Non-Technical Description of the '094 Patent

43. Responding to the allegations of paragraph 43, Microsoft denies the allegations of paragraph 43.

F. Licenses Relating to the Asserted Patents

44. Responding to the allegations of paragraph 44, Microsoft is without sufficient knowledge or information to form a belief as to the truth of the allegations of paragraph 44 and on that basis denies them.

V. UNLAWFUL AND UNFAIR ACTS OF RESPONDENT—PATENT INFRINGEMENT

45. Responding to the allegations of paragraph 45, Microsoft denies that it unlawfully imports, sells for importation, and/or sells within the United States after importation products that infringe any valid claim of the Asserted Patents. Microsoft denies the remaining allegations of paragraph 45.

46. Responding to the allegations of paragraph 46, Microsoft denies that it has directly infringed and continues to directly infringe any valid claim of the Asserted Patents by any importation, sale for importation, and/or sale in the United States after importation of any product. Microsoft denies the remaining allegations of paragraph 46.

47. Responding to the allegations of paragraph 47, Microsoft denies that it indirectly infringes the Asserted Patents by inducing and/or contributing to infringement of the Asserted Patents. Microsoft denies the remaining allegations of paragraph 47.

48. Responding to the allegations of paragraph 48, Microsoft denies that it induces infringement of the Asserted Patents. Microsoft denies the remaining allegations of paragraph 48.

49. Responding to the allegations of paragraph 49, Microsoft denies that it contributes to infringement. Microsoft denies that there is a lack of substantial non-infringing uses for the accused 250 GB Xbox 360 S and the 4 GB Xbox 360 S. Microsoft denies the remaining allegations of paragraph 49.

50. Responding to the allegations of paragraph 50, Microsoft denies that the 250 GB Xbox 360 S and the 4 GB Xbox 360 S infringe the '712 patent. Microsoft admits that Exhibit 20 is a chart purported to compare independent claims 6 and 17 of the '712 patent to the 250 GB Xbox 360 S, but denies that such chart is accurate and denies the allegations in the chart. Microsoft admits that documents purported to be referenced in the claim chart are attached as Exhibits 1, 25-29. Microsoft denies the remaining allegations of paragraph 50.

51. Responding to the allegations of paragraph 51, Microsoft denies that the 250 GB Xbox 360 S and the 4 GB Xbox 360 S infringe the '571 patent. Microsoft admits that Exhibit 21 is a chart purported to compare independent claims 9, 12, 15, and 17 of the '571 patent to the 250 GB Xbox 360 S, but denies that such chart is accurate and denies the allegations in the chart. Microsoft admits that documents purported to be referenced in the claim chart are attached as Exhibits 25-28. Microsoft denies the remaining allegations of paragraph 51.

52. Responding to the allegations of paragraph 52, Microsoft denies that the 250 GB Xbox 360 S and the 4 GB Xbox 360 S infringe the '896 patent. Microsoft admits that Exhibit 22 is a chart purported to compare independent claims 1 and 12 of the '896 patent to the 250 GB Xbox 360 S, but denies that such chart is accurate and denies the allegations in the chart. Microsoft admits that documents purported to be referenced in the claim chart are attached as Exhibits 32-37. Microsoft denies the remaining allegations of paragraph 52.

53. Responding to the allegations of paragraph 53, Microsoft denies that the 250 GB Xbox 360 S and the 4 GB Xbox 360 S infringe the '596 patent. Microsoft admits that Exhibit 23 is a chart purported to compare independent claim 1 of the '596 patent to the 250 GB Xbox 360 S, but denies that such chart is accurate and denies the allegations in the chart. Microsoft

admits that documents purported to be referenced in the claim chart are attached as Exhibits 30-31. Microsoft denies the remaining allegations of paragraph 53.

54. Responding to the allegations of paragraph 54, Microsoft denies that the 250 GB Xbox 360 S and the 4 GB Xbox 360 S infringe the '094 patent. Microsoft admits that Exhibit 24 is a chart purported to compare independent claims 5, 6, 7, 8, and 10 of the '094 patent to the 250 GB Xbox 360 S, but denies that such chart is accurate and denies the allegations in the chart. Microsoft admits that documents purported to be referenced in the claim chart are attached as Exhibits 30-31. Microsoft denies the remaining allegations of paragraph 54.

VI. SPECIFIC INSTANCES OF UNFAIR IMPORTATION AND SALE

55. Responding to the allegations of paragraph 55, Microsoft denies that it unlawfully imports, sells for import, or sells after import any product in violation of Section 337. Microsoft's Accused Products do not infringe any Asserted Patent. Microsoft denies the allegations of paragraph 55.

56. Responding to the allegations of paragraph 56, Microsoft denies the allegations of paragraph 56.

57. Responding to the allegations of paragraph 57, Microsoft admits that Exhibit 38 is purported to be a copy of the receipt for the purchase in the United States of a 250 GB Xbox 360 S. Microsoft admits that Exhibit 39 appears to include photographs, not taken by Microsoft, of a device purported to be 250 GB Xbox 360 S 8320, and that the photographs appear to have a packaging label containing the language "Made in China." Microsoft is without sufficient knowledge or information to form a belief as to the truth of the remaining allegations of paragraph 57 and on that basis denies them.

58. Responding to the allegations of paragraph 58, Microsoft admits that Exhibit 56 purports to be a screenshot of the Xbox website. Microsoft is without sufficient knowledge or information to form a belief as to the truth of the remaining allegations of paragraph 58 and on that basis denies them.

VII. CLASSIFICATION OF THE INFRINGING PRODUCTS UNDER THE HARMONIZED TARIFF SCHEDULE

59. Responding to the allegations of paragraph 59, Microsoft admits that the 250 GB Xbox 360 S and the 4 GB Xbox 360 S may be classified under the following heading and subheading of the Harmonized Tariff Schedule of the United States: 9504.10.0000. Microsoft is without sufficient knowledge or information to form a belief as to the truth of the remaining allegations of paragraph 59 and on that basis denies them.

60. Responding to the allegations of paragraph 60, Microsoft denies the allegations of paragraph 60.

VIII. THE DOMESTIC INDUSTRY RELATING TO THE ASSERTED PATENTS

A. Overview

61. Responding to the allegations of paragraph 61, Microsoft denies that Motorola satisfies any or all of the statutory criteria for finding a domestic industry under 19 U.S.C. §§ 1337(a)(2) and 1337(a)(3)(A), (B), and (C). Microsoft is without sufficient knowledge or information to form a belief as to the truth of the remaining allegations of paragraph 61 and on that basis denies them.

62. Responding to the allegations of paragraph 62, Microsoft is without sufficient knowledge or information to form a belief as to the truth of the allegations of paragraph 62 and on that basis denies them.

B. Significant Investment in Plant and Equipment, Significant Employment of Labor and Capital, and Substantial Investment in Exploitation, Including Engineering, Research and Development, and Licensing of the Asserted Patents and Articles Protected by the Asserted Patents

1. Economic Prong

63. Responding to the allegations of paragraph 63, Microsoft is without sufficient knowledge or information to form a belief as to the truth of the allegations of paragraph 63 and on that basis denies them.

64. Responding to the allegations of paragraph 64, Microsoft is without sufficient knowledge or information to form a belief as to the truth of the allegations of paragraph 64 and on that basis denies them.

65. Responding to the allegations of paragraph 65, Microsoft is without sufficient knowledge or information to form a belief as to the truth of the allegations of paragraph 65 and on that basis denies them.

66. Responding to the allegations of paragraph 66, Microsoft is without sufficient knowledge or information to form a belief as to the truth of the allegations of paragraph 66 and on that basis denies them.

67. Responding to the allegations of paragraph 67, Microsoft is without sufficient knowledge or information to form a belief as to the truth of the allegations of paragraph 67 and on that basis denies them.

68. Responding to the allegations of paragraph 68, Microsoft is without sufficient knowledge or information to form a belief as to the truth of the allegations of paragraph 68 and on that basis denies them.

69. Responding to the allegations of paragraph 69, Microsoft is without sufficient knowledge or information to form a belief as to the truth of the allegations of paragraph 69 and on that basis denies them.

70. Responding to the allegations of paragraph 70, Microsoft is without sufficient knowledge or information to form a belief as to the truth of the allegations of paragraph 70 and on that basis denies them.

71. Responding to the allegations of paragraph 71, Microsoft is without sufficient knowledge or information to form a belief as to the truth of the allegations of paragraph 71 and on that basis denies them.

72. Responding to the allegations of paragraph 72, Microsoft is without sufficient knowledge or information to form a belief as to the truth of the allegations of paragraph 72 and on that basis denies them.

73. Responding to the allegations of paragraph 73, Microsoft is without sufficient knowledge or information to form a belief as to the truth of the allegations of paragraph 73 and on that basis denies them.

74. Responding to the allegations of paragraph 74, Microsoft is without sufficient knowledge or information to form a belief as to the truth of the allegations of paragraph 74 and on that basis denies them.

75. Responding to the allegations of paragraph 75, Microsoft is without sufficient knowledge or information to form a belief as to the truth of the allegations of paragraph 75 and on that basis denies them.

2. Technical Prong

76. Responding to the allegations of paragraph 76, Microsoft is without sufficient knowledge or information to form a belief as to the truth of the allegations of paragraph 76 and on that basis denies them.

77. Responding to the allegations of paragraph 77, Microsoft is without sufficient knowledge or information to form a belief as to the truth of the allegations of paragraph 77 and on that basis denies them.

78. Responding to the allegations of paragraph 78, Microsoft is without sufficient knowledge or information to form a belief as to the truth of the allegations of paragraph 78 and on that basis denies them.

79. Responding to the allegations of paragraph 79, Microsoft is without sufficient knowledge or information to form a belief as to the truth of the allegations of paragraph 79 and on that basis denies them.

80. Responding to the allegations of paragraph 80, Microsoft is without sufficient knowledge or information to form a belief as to the truth of the allegations of paragraph 80 and on that basis denies them.

81. Responding to the allegations of paragraph 81, Microsoft is without sufficient knowledge or information to form a belief as to the truth of the allegations of paragraph 81 and on that basis denies them.

C. A Domestic Industry Exists

82. Responding to the allegations of paragraph 82, Microsoft denies the allegations of paragraph 82.

IX. RELATED PROCEEDINGS

A. Prior Proceedings

83. Microsoft is without sufficient knowledge or information to form a belief as to the truth of the remaining allegations of paragraph 83 and on that basis denies them.

84. Microsoft is without sufficient knowledge or information to form a belief as to the truth of the remaining allegations of paragraph 84 and on that basis denies them.

B. Current Proceedings

85. Responding to the allegations of paragraph 85, Microsoft admits that on October 1, 2010, Microsoft filed an action with the United States International Trade Commission titled *In the Matter of Certain Mobile Devices, Associated Software, and Components Thereof*, No. 337-TA-744. Microsoft admits that it requested that the Commission institute an investigation into alleged violations of Section 337 by Motorola and Motorola Mobility, Inc. as a result of its infringement of nine Microsoft patents. Microsoft admits that the Commission issued a notice of institution of an investigation pursuant to Microsoft's request on November 1, 2010. Microsoft is without sufficient knowledge or information to form a belief as to the truth of the remaining allegations of paragraph 85 and on that basis denies them.

86. Responding to the allegations of paragraph 86, Microsoft admits that on October 1, 2010, Microsoft filed a patent infringement action against Motorola titled *Microsoft Corp. v. Motorola, Inc.*, No. 2:10-CV-01577, in the United States District Court for the Western District of Washington. Microsoft admits that it alleges that Motorola is infringing the same nine Microsoft patents that are at issue in the action before the Commission. Microsoft admits that this case has been stayed until a final determination of the Commission's proceeding in *In the Matter of Certain Mobile Devices, Associated Software, and Components Thereof*. Microsoft is

without sufficient knowledge or information to form a belief as to the truth of the remaining allegations of paragraph 86 and on that basis denies them.

87. Responding to the allegations of paragraph 87, Microsoft is without sufficient knowledge or information to form a belief as to the truth of the allegations of paragraph 87 and on that basis denies them.

88. Responding to the allegations of paragraph 88, Microsoft is without sufficient knowledge or information to form a belief as to the truth of the allegations of paragraph 88 and on that basis denies them.

89. Responding to the allegations of paragraph 89, Microsoft admits that on November 9, 2010 it filed a complaint against Motorola and Motorola Mobility, Inc., titled *Microsoft Corp. v. Motorola, Inc. and Motorola Mobility, Inc.*, No. 10-CV-01823, in the United States District Court for the Western District of Washington. Microsoft admits that this complaint attached an appendix that listed a number of patents, including the '712, '571, and '896 Patents. Microsoft is without sufficient knowledge or information to form a belief as to the truth of the remaining allegations of paragraph 89 and on that basis denies them.

90. Responding to the allegations of paragraph 90, Microsoft admits that on November 10, 2010, Complainants filed a patent infringement action against Microsoft based on a number of patents, including the '712, '571, '596, and '094 Patents, titled *Motorola Mobility, Inc. and General Instrument Corp. v. Microsoft Corp.*, No. 10-CV-700, in the United States District Court for the Western District of Wisconsin. Microsoft admits that it was served with the complaint. Microsoft is without sufficient knowledge or information to form a belief as to the truth of the remaining allegations of paragraph 90 and on that basis denies them.

91. Responding to the allegations of paragraph 91, Microsoft admits that on November 10, 2010, complainants filed a patent infringement action against Microsoft based on a number of patents, not including the Asserted Patents, titled *Motorola Mobility, Inc. and General Instrument Corp. v. Microsoft Corp.*, No. 10-CV-699, in the United States District Court for the Western District of Wisconsin. Microsoft admits that it was served with the complaint. Microsoft is without sufficient knowledge or information to form a belief as to the truth of the remaining allegations of paragraph 91 and on that basis denies them.

92. Responding to the allegations of paragraph 92, Microsoft admits that on November 10, 2010, Motorola Mobility, Inc. filed a patent infringement action against Microsoft based on a number of patents, not including the Asserted Patents, titled *Motorola Mobility, Inc. v. Microsoft Corp.*, No. 10-CV-24063, in the United States District Court for the Southern District of Florida. Microsoft admits that it was served with the complaint. Microsoft is without sufficient knowledge or information to form a belief as to the truth of the remaining allegations of paragraph 92 and on that basis denies them.

93. Responding to the allegations of paragraph 93, Microsoft is without sufficient knowledge or information to form a belief as to the truth of the allegations of paragraph 93 and on that basis denies them.

X. RELIEF REQUESTED

94. Responding to Motorola's requested relief, Microsoft denies that Motorola is entitled to any relief.

ADDITIONAL DEFENSES

95. Microsoft asserts the following defenses in response to the allegations set forth in the Complaint. This Investigation has just begun, and discovery is in its very early stages.

Microsoft necessarily does not yet know the full extent of its defenses to Motorola's allegations. Moreover, as further described in exemplary fashion below, the allegations set forth in Motorola's complaint are vague, inconsistent, and incomplete, and thus do not fairly put Microsoft on notice of the basis for Motorola's assertions. Accordingly, Microsoft reserves the right to supplement and/or amend its defenses as this Investigation proceeds.

FIRST ADDITIONAL DEFENSE

(Non-Infringement)

96. Microsoft has not directly infringed, indirectly infringed, contributed to, or induced infringement of any valid or enforceable claim of the patents-in-suit, and has not otherwise committed any acts in violation of 35 U.S.C. § 271.

The '712 Patent

97. Although Microsoft does not bear the burden of proof on this issue, Microsoft has not directly infringed, contributed to infringement, or induced infringement of any asserted claim of the '712 patent.

98. Microsoft specifically denies the allegation that any accused product satisfies the limitations of any valid and/or enforceable claim of the '712 patent. Complainants fail to identify any functionality in the Accused Products that satisfies the claimed limitations,

[REDACTED]

[REDACTED]. Indeed, for the limitations that Complainants assert are in means-plus-function form, Complainant identifies no structure to satisfy the limitations. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

99. [REDACTED]

[REDACTED]

[REDACTED]

100. [REDACTED]

[REDACTED]

[REDACTED]

The '571 Patent

101. Although Microsoft does not bear the burden of proof on this issue, Microsoft has not directly infringed, contributed to infringement, or induced infringement of any asserted claim of the '571 patent.

[REDACTED] Microsoft specifically denies the allegation that any accused product satisfies the limitations of any valid and/or enforceable claim of the '571 patent. Complainants fail to identify any functionality in the Accused Products that satisfies the claimed limitations,

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

103.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

104.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

105.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

106. [REDACTED]

[REDACTED]

[REDACTED]

The '896 Patent

107. Although Microsoft does not bear the burden of proof on this issue, Microsoft has not directly infringed, contributed to infringement, or induced infringement of any asserted claim of the '896 patent.

108. Microsoft specifically denies the allegation that any accused product satisfies the limitations of any valid and/or enforceable claim of the '896 patent. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

110. [REDACTED]

[REDACTED]

The '596 Patent

111. Although Microsoft does not bear the burden of proof on this issue, Microsoft has not directly infringed, contributed to infringement, or induced infringement of any asserted claim of the '596 patent.

112. Microsoft specifically denies the allegation that any accused product satisfies the limitations of any valid and/or enforceable claim of the '596 patent. Complainants fail to identify any functionality in the Accused Products that satisfies the claimed limitations,

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

113. [REDACTED]

[REDACTED]

[REDACTED]

The '094 Patent

114. Although Microsoft does not bear the burden of proof on this issue, Microsoft has not directly infringed, contributed to infringement, or induced infringement of any asserted claim of the '094 patent.

115. Microsoft specifically denies the allegation that any accused product satisfies the limitations of any valid and/or enforceable claim of the '094 patent. Complainants fail to identify any functionality in the Accused Products that satisfies the claimed limitations,

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

116. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

117. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

118. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

119. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

SECOND ADDITIONAL DEFENSE

(Invalidity)

120. The asserted claims of the patents-in-suit are invalid because they each fail to comply with the requirements of 35 U.S.C. §§ 101, 102, 103, and 112 thereof, or the Rules and Regulations of the Patent & Trademark Office relating thereto. With respect to each asserted patent, Microsoft provides below an identification of bases that support this additional defense. The bases provided herein are preliminary and should not be construed as limiting in any way the defenses that Microsoft will present in this Investigation.

The '712 Patent

121. The '712 patent is invalid by reason of having been issued in violation of the U.S. patent laws, including but not limited to 35 U.S.C. §§ 101, 102, 103, and 112 thereof, or the Rules and Regulations of the Patent & Trademark Office relating thereto. For instance, the claims of the '712 patent are anticipated or obvious, taken alone or in combination: see Exhibit A.

The '571 Patent

122. The '571 patent is invalid by reason of having been issued in violation of U.S. patent laws, including but not limited to 35 U.S.C. §§ 101, 102, 103 and 112 thereof, or the

Rules and Regulations of the Patent & Trademark Office relating thereto. For instance, the claims of the '571 patent are anticipated or obvious, taken alone or in combination: U.S. Patent Nos. 5,029,208; 5,073,935; 5,309,516; 5,341,425; and GB Patent No. 2 241 414 A.

The '896 Patent

123. The '896 patent is invalid by reason of having been issued in violation of U.S. patent laws, including but not limited to 35 U.S.C. §§ 101, 102, 103 and 112 thereof, or the Rules and Regulations of the Patent & Trademark Office relating thereto. For instance, the claims of the '896 patent are anticipated or obvious, taken alone or in combination: U.S. Patent Nos. 5,696,903; 5,487,069; and 6,141,688.

The '596 Patent

124. The '596 patent is invalid by reason of having been issued in violation of U.S. patent laws, including but not limited to 35 U.S.C. §§ 101, 102, 103 and 112 thereof, or the Rules and Regulations of the Patent & Trademark Office relating thereto. For instance, the claims of the '596 patent are anticipated or obvious, taken alone or in combination: U.S. Patent Nos. 4,437,119; 5,801,778; 5,737,020; Staffan Ericcson, "Fixed and Adaptive Predictors for Hybrid Predictive/Transform Coding," 1985; ITU-T Recommendation H.262 and ISO/IEC 13818-2, Generic Coding of Moving Pictures and Associated Audio Information: Video, 1995; Atul Puri, R. Aravinda and Barry Haskell, "Adaptive frame/field motion compensated video coding," 1993; Limin Wang, Rajeev Gandhi, Krit Panusopone, Yue Yu, and Ajay Luthra, "MB-Level Adaptive Frame/Field Coding for JVT, JVT-B106," January 21, 2002.

The '094 Patent

125. The '094 patent is invalid by reason of having been issued in violation of U.S. patent laws, including but not limited to 35 U.S.C. §§ 101, 102, 103 and 112 thereof, or the Rules

and Regulations of the Patent & Trademark Office relating thereto. For instance, the claims of the '094 patent are anticipated or obvious, taken alone or in combination: U.S. Patent No. 5,500,678; Atul Puri, R. Aravinda and Barry Haskell, "Adaptive frame/field motion compensated video coding," 1993; Barry Haskell, Atul Puri, Arun N. Netravali, Digital Video: An introduction to MPEG-2 (Digital Multimedia Standards Series).

THIRD ADDITIONAL DEFENSE

(License and Patent Exhaustion/First Sale Doctrine)

126. Complainants' claims are barred in whole or part pursuant to an express and/or implied license, and/or patent exhaustion. Upon information and belief, and subject to further discovery, Complainants' claims are barred in whole or part because Microsoft sells products, or components thereof, that are the subject of an express license, sublicense, and/or implied license to the Asserted Patents or are subject to patent exhaustion.

127. For example, as Complainants allege that the '712, '571 and '896 patents are essential to practicing the 802.11 wireless networking standard developed by the Institute of Electrical and Electronics Engineers ("IEEE"), Complainants' claim of infringement of the '712, '571 and '896 patents are barred by an express license, sublicense, implied license, and/or the doctrine of patent exhaustion. Microsoft disputes that any of the Asserted Patents are essential to practicing any standard. Nevertheless, Complainants' assertion that their patents are essential to IEEE 802.11 renders them licensed, sublicensed, licensed by implication, and/or exhausted. Similarly, as Complainants allege that the '596 and '094 patents are essential to practicing the H.264 and/or MPEG-4 Part 10 video standards developed by the International Telecommunication Union ("ITU") and the International Organization for Standardization

(“ISO”), Complainants’ claim of infringement of the ’596 and ’094 patents are barred by an express license, sublicense, implied license, and/or the doctrine of patent exhaustion.

FOURTH ADDITIONAL DEFENSE

(Estoppel and Waiver)

128. Complainants are estopped and/or have waived their claims. Complainants committed to the IEEE, ITU and ISO standards bodies that their essential patents are licensed on non-discriminatory bases offering fair and reasonable terms. Complainants intended, with these agreements, to induce reliance. Complainants knew, or should have reasonably expected, that they would induce companies to develop products compliant with the 802.11 wireless networking standard and the H.264 and MPEG-4 Part 10 video standards. Microsoft and others developed and marketed its products and services in reliance on Complainants’ promises. Microsoft disputes that any of the Asserted Patents are essential to practicing any standard. However, to the extent Complainants claim any of the Asserted Patents are essential to the 802.11, H.264, and/or MPEG-4 Part 10 standards, Complainants have both waived their claim to and are estopped from claiming infringement and seeking any remedial order in the ITC, including an exclusion order or cease and desist order.

FIFTH ADDITIONAL DEFENSE

(Lack of Domestic Industry)

129. Motorola has not adequately alleged and cannot prove the existence of a domestic industry, as required by Section 337(a)(2) and defined by Section 337(a)(3), in connection with any of the patents-in-suit, or that such domestic industry is in the process of being established.

SIXTH ADDITIONAL DEFENSE**(Relief Not in the Public Interest)**

130. The relief sought by Motorola does not and would not further the public interest and there are strong public policy reasons for denying Motorola the relief sought.

SEVENTH ADDITIONAL DEFENSE**(Lack of Jurisdiction)**

131. The Commission lacks jurisdiction pursuant to Section 337. Microsoft incorporates by reference paragraphs 126-128. Microsoft disputes that any of the Asserted Patents are essential to practicing any standard, but Complainants contend otherwise. Complainants' contention, therefore, precludes jurisdiction.

EIGHTH ADDITIONAL DEFENSE**(Failure to State a Claim)**

132. Complainants' complaint fails to state a claim upon which relief can be granted. Microsoft incorporates by reference paragraphs 126-128 and 131. Microsoft disputes that any of the Asserted Patents are essential to practicing any standard, but Complainants contend otherwise. Complainants' actions preclude any claim of relief.

RESPONSE TO THE NOTICE OF INVESTIGATION

Responding to the Notice of Investigation, Microsoft admits that such an Investigation exists, and that Microsoft Corporation is named as Respondent. Microsoft specifically denies that it violates section 337 by importing, selling for importation, and/or selling within the United States after importation any product that infringes, directly or indirectly, any valid and enforceable claim of any of United States Patent Nos. 5,319,712 ("the '712 patent"), 5,357, 571 ("the '571 patent"); 6,069,896 ("the '896 patent"); 6,980,596 ("the '596 patent"); and 7,162,094

(“the ’094 patent”) (collectively, “the Asserted Patents”). Respondent further denies that the Asserted Patents are valid and enforceable.

Microsoft is without sufficient knowledge or information to form a belief as to whether an industry exists in the United States as required by subsection (a)(2) of section 337, and therefore denies that any such industry exists.

Except as admitted, Microsoft denies the remaining allegations of the Notice of Investigation.

STATEMENT PURSUANT TO RULE 210.13(B)

See Confidential Exhibit B.

PUBLIC VERSION

Dated: January 11, 2011

Respectfully submitted,

SIDLEY AUSTIN LLP

By:

Brian R. Nester

Kevin C. Wheeler

James P. Hughes

SIDLEY AUSTIN LLP

1501 K Street, N.W.

Washington, D.C. 20005

Telephone: (202) 736-8000

Facsimile: (202) 736-8711

Tung Nguyen

SIDLEY AUSTIN LLP

717 N. Harwood, Suite 3400

Dallas, TX 75201

Telephone: (214) 981-3300

Facsimile: (214) 981-3400

David T. Pritikin

Richard A. Cederoth

Douglas I. Lewis

John W. McBride

SIDLEY AUSTIN LLP

One South Dearborn

Chicago, Illinois 60603

Telephone: (312) 853-7000

Facsimile: (312) 853-7036

Teague I. Donahey

SIDLEY AUSTIN LLP

555 California Street

San Francisco, California 94104

Telephone: (415) 772-1200

Facsimile: (415) 772-7400

*Counsel for Respondent Microsoft
Corporation*

**VERIFICATION OF RESPONSE TO COMPLAINT AND NOTICE OF
INVESTIGATION**

I, [REDACTED], declare as follows:

I am the [REDACTED] and I am duly authorized to sign this verification on behalf of Respondent Microsoft Corporation ("Microsoft").

I have read the foregoing RESPONDENT MICROSOFT CORPORATION'S RESPONSE TO MOTOROLA MOBILITY, INC. AND GENERAL INSTRUMENT CORPORATION'S COMPLAINT AND THE NOTICE OF INVESTIGATION ("the Response") and am familiar with its contents.

I do not have personal knowledge of every fact contained herein. To the best of my knowledge, information, and belief, formed after a reasonable inquiry within Microsoft for those facts for which I do not have personal knowledge, the foregoing responses and factual statements in the Response have evidentiary support or are likely to have evidentiary support after a reasonable opportunity for further investigation or discovery;

The claims and legal contentions in the Response are warranted by existing law or by a non-frivolous argument for the extension, modification, or reversal of existing law or the establishment of new law; and

The Response is not being presented for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge, information, and belief.

Executed on this 11 day of January, 2011. By: [REDACTED]

Microsoft Corporation

EXHIBIT A

PATENTS

Reference No.	Issuing Country	Patent No.	Date	Patentee
1	United States	4,200,770	04/29/80	Hellman, Diffie, Merkle
2	United States	4,218,582	08/19/80	Hellman, Merkle
3	United States	4,288,659	09/08/81	Atalla
4	United States	4,405,829	09/20/83	Rivest, Shamir, Adleman
5	United States	4,418,425	11/29/83	Fennel Jr., Heinz, Jr.
6	United States	4,424,414	01/03/84	Hellman, Pohlig
7	United States	4,484,025	11/20/84	Ostermann, Bitzer
8	United States	4,596,898	06/24/86	Pemmaraju
9	United States	4,617,657	10/14/86	Drynan, Baker
10	United States	4,654,480	03/31/87	Weiss
11	United States	4,736,423	04/05/88	Matyas
12	United States	4,754,482	06/28/88	Weiss
13	United States	4,787,082	11/22/88	Delaney, Fraser, Kalmanek, Restruck
14	United States	4,817,143	03/28/89	Murray
15	United States	4,866,772	09/12/89	Schroter
16	United States	4,897,876	01/30/90	Davies
17	United States	4,901,312	02/13/90	Hui, Valiveti, Patel, Lamont, Shah
18	United States	4,910,777	03/20/90	Larson, et al.
19	United States	4,933,969	06/12/90	Marshall, Mitchell, Proudler
20	United States	4,939,718	07/03/90	Servel, Quinquis, Lespagnol
21	United States	4,975,952	12/04/90	Mabey, Mervart
22	United States	4,984,271	01/08/91	Goto

PATENTS

Reference No.	Issuing Country	Patent No.	Date	Patentee
23	United States	5,003,539	03/26/91	Takemoto, Pasdera
24	United States	5,008,938	04/16/91	Freeburg White
25	United States	5,010,571	04/23/91	Katznelson
26	United States	5,016,276	05/14/91	Matumoto, Imai
27	United States	5,029,208	07/02/91	K Tanaka
28	United States	5,070,528	12/03/91	Hawe, Tardo, Kaufman, Gupta, Spinney, Waters
29	United States	5,077,830	12/31/91	Mallia
30	United States	5,086,469	02/04/92	Gupta, Kaufman, Kempf, Koning
31	United States	5,091,942	02/25/92	Dent
32	United States	5,099,517	03/24/92	Gupta, Hawe, Kempf, Lee
33	United States	5,148,485	09/15/92	Dent
34	United States	5,161,193	11/03/92	Lampson, Hawe, Gupta, Spinney
35	United States	5,163,054	11/10/92	Nagy
36	United States	5,175,765	12/29/92	Perlman
37	United States	5,201,000	04/06/93	Matyas, Johnson, Le, Prymak, Wilkins
38	United States	5,235,595	08/10/93	O'Dowd
39	United States	5,235,644	08/10/93	Gupta, Lampson, Hawe, Tardo, Kaufman, Kempf, Gasser, Herbison
40	United States	5,239,294	08/24/93	Flanders, et al.
41	United States	5,239,584	08/24/93	Hershey, Schmidt, Mancuso

PATENTS

Reference No.	Issuing Country	Patent No.	Date	Patentee
42	United States	5,257,282	06/28/84	Adkisson, Rattlingourd, Spencer, Zacheile
43	United States	5,261,003	06/09/92	Matsui
44	United States	5,267,313	11/30/93	Hirata
45	United States	5,319,705	06/07/94	Halter, et al.
46	United States	5,349,642	09/20/94	Kingdon
47	United States	5,448,561	09/05/95	Kaiser, Lohner, Mathony, Unruh, Zurmuehl, Brunke, Glasser, Linne
48	United States	5,455,863	10/03/95	Brown, Finkelstein, Smolinske
49	United States	5,555,304	09/10/96	Hasebe, Akiyama, Yoshioka
50	United States	5,666,530	09/09/97	Clark, Malisewski, Cooper, Crosswy, Crochet
51	European Community	EP 0 464 562 A2	01/08/92	Hawe, Lampson, Gupta
52	European Community	EP 0 494 035 A2	07/08/92	Nagy
53	European Community	EP 0334503A2	09/27/89	Halliden, Avarne
54	European Community	EPA 0 310 360 A2	04/05/89	Dolkas, Martin
55	United Kingdom	GB 2019060 A	10/24/79	Check
56	United Kingdom	GB 2020513A	11/14/79	Atalla
57	United Kingdom	GB 2047506A	11/26/80	Atalla
58	Japan	JP 05-115064	05/07/93	
59	Japan	JPA H4-326221	11/16/92	Takeshi, Kimura, et al

PATENTS

Reference No.	Issuing Country	Patent No.	Date	Patentee
60	Japan	JP 5-173921	07/13/93	
61	Japan	JP 5-37522	02/12/93	Aoyanagi
62	Japan	JP 60-3242	01/09/85	
63	Japan	JP60003242(A) abstract	01/09/85	Katsuhiro, Tetsuya, Kumiko
64	Japan	JP63-167588	07/11/88	Ishiyama
65	Japan	JPA 173921	07/03/93	
66	Japan	JPA 173921	07/13/93	
67	Japan	JPA 37522	02/12/93	
68	Japan	JPA 7202	01/14/93	
69	Japan	JPB 3224239	08/24/01	
70	Patent Cooperation Treaty	WO 85/04299	09/26/85	Pemmaraju
71	Patent Cooperation Treaty	WO 92/02095	02/06/92	White
72	Patent Cooperation Treaty	WO 92/02103	02/06/92	Flanders, Finkelstein, Puhl
73	Patent Cooperation Treaty	WO 92/14209	08/20/92	Smythm Dervalk
74	Patent Cooperation Treaty	WO 93/11619	06/10/93	Labaton
75	Patent Cooperation Treaty	WO 93/23938	05/15/92	Crowley, Wickham
76	Patent Cooperation Treaty	WO 94/03003	05/04/93	Rasmussen, LaBounty, Rosenow

NON-PATENT LITERATURE AND REFERENCES

Reference No.	Publication	Title	Author	Date	Pages
77	Mobile Data Report, Vol. 1, No. 1			09/15/88	All
78	Mobile Data Report, Vol. 1, No. 2			10/15/88	All
79	Mobile Data Report, Vol. 1, No. 3			11/15/88	All
80	Mobile Data Report, Vol. 1, No. 4			12/15/88	All
81	Mobile Data Report, Vol. 1, No. 5			01/15/89	All
82	Mobile Data Report, Vol. 1, No. 6			02/15/89	All
83	Mobile Data Report, Vol. 1, No. 7			03/15/89	All
84	Mobile Data Report, Vol. 1, No. 8			04/15/89	All
85	Mobile Data Report, Vol. 1, No. 9			05/15/89	All
86	Mobile Data Report, Vol. 1, No. 10			06/19/89	All
87	Mobile Data Report, Vol. 1, No. 11			07/03/89	All
88	Mobile Data Report, Vol. 1, No. 12			07/17/89	All
89	Mobile Data Report, Vol. 1, No. 13			07/31/89	All
90	Mobile Data Report, Vol. 1, No. 14			08/14/89	All
91	Mobile Data Report, Vol. 1, No. 15			09/11/89	All
92	Mobile Data Report, Vol. 2, No. 1			09/25/89	All
93	Mobile Data Report, Vol. 2, No. 2			10/09/89	All
94	Mobile Data Report, Vol. 2, No. 3			10/23/89	All
95	Mobile Data Report, Vol. 2, No. 4			11/06/89	All
96	Mobile Data Report, Vol. 2, No. 5			11/20/89	All
97	Mobile Data Report, Vol. 2, No. 6			12/04/89	All
98	Mobile Data Report, Vol. 2, No. 8			01/15/90	All

NON-PATENT LITERATURE AND REFERENCES

Reference No.	Publication	Title	Author	Date	Pages
99	Mobile Data Report, Vol. 2, No. 9			01/30/90	All
100	Mobile Data Report, Vol. 2, No. 10			02/12/90	All
101	Mobile Data Report, Vol. 2, No. 11			02/26/90	All
102	Mobile Data Report, Vol. 2, No. 11			03/12/90	All
103	Mobile Data Report, Vol. 2, No. 11			03/26/90	All
104	Mobile Data Report, Vol. 2, No. 12			04/09/90	All
105	Mobile Data Report, Vol. 2, No. 13			04/23/90	All
106	Mobile Data Report, Vol. 2, No. 16			05/07/90	All
107	Mobile Data Report, Vol. 2, No. 17			05/21/90	All
108	Mobile Data Report, Vol. 2, No. 18			06/04/90	All
109	Mobile Data Report, Vol. 2, No. 19			06/18/90	All
110	Mobile Data Report, Vol. 2, No. 20			07/02/90	All
111	Mobile Data Report, Vol. 2, No. 21			07/16/90	All
112	Mobile Data Report, Vol. 2, No. 22			07/30/90	All
113	Mobile Data Report, Vol. 2, No. 23			08/13/90	All
114	Mobile Data Report, Bonus Report			08/13/90	All
115	Mobile Data Report, Vol. 2, No. 24			09/10/90	All
116	Mobile Data Report, Vol. 3, No. 1			09/24/90	All
117	Mobile Data Report, Vol. 3, No. 2			10/8/90	All
118	Mobile Data Report, Vol. 3, No. 3			10/22/90	All
119	Mobile Data Report, Vol. 3, No. 4			11/05/90	All
120	Mobile Data Report, Vol. 3, No. 5			11/19/90	All
121	Mobile Data Report, Vol. 3, No. 6			12/03/90	All

NON-PATENT LITERATURE AND REFERENCES

Reference No.	Publication	Title	Author	Date	Pages
122	Mobile Data Report, Vol. 3, No. 7			12/17/90	All
123	Mobile Data Report, Vol. 3, No. 8			01/14/91	All
124	Mobile Data Report, Vol. 3, No. 9			01/28/91	All
125	Mobile Data Report, Vol. 3, No. 10			02/11/91	All
126	Mobile Data Report, Vol. 3, No. 11			02/25/91	All
127	Mobile Data Report, Vol. 3, No. 12			03/11/91	All
128	Mobile Data Report, Vol. 3, No. 13			03/25/91	All
129	Mobile Data Report, Vol. 3, No. 14			04/08/91	All
130	Mobile Data Report, Vol. 3, No. 15			04/22/91	All
131	Mobile Data Report, Vol. 3, No. 16			05/06/91	All
132	Mobile Data Report, Vol. 3, No. 17			05/20/91	All
133	Mobile Data Report, Vol. 3, No. 18			06/03/91	All
134	Mobile Data Report, Vol. 3, No. 19			06/17/91	All
135	Mobile Data Report, Vol. 3, No. 20			07/01/91	All
136	Mobile Data Report, Vol. 3, No. 21			07/15/91	All
137	Mobile Data Report, Vol. 3, No. 22			08/12/91	All
138	Mobile Data Report, Vol. 3, No. 23			08/26/91	All
139	Mobile Data Report, Vol. 3, No. 24			09/09/91	All
140	Mobile Data Report, Vol. 4, No. 1			09/23/91	All
141	Mobile Data Report, Vol. 4, No. 2			10/7/91	All
142	Mobile Data Report, Vol. 4, No. 4			11/04/91	All
143	Mobile Data Report, Vol. 4, No. 5			11/18/91	All

NON-PATENT LITERATURE AND REFERENCES

Reference No.	Publication	Title	Author	Date	Pages
144	Mobile Data Report, Vol. 4, No. 6			12/02/91	All
145	Mobile Data Report, Vol. 4, No. 7			12/16/91	All
146	Mobile Data Report, Vol. 4, No. 8			01/13/92	All
147	Mobile Data Report, Vol. 4, No. 9			01/27/92	All
148	Mobile Data Report, Vol. 4, No. 10			02/10/92	All
149	Mobile Data Report, Vol. 4, No. 11			02/24/92	All
150	Mobile Data Report, Vol. 4, No. 12			03/09/92	All
151	Mobile Data Report, Vol. 4, No. 13			03/23/92	All
152	Mobile Data Report, Vol. 4, No. 14			04/06/92	All
153	Mobile Data Report, Vol. 4, No. 15			04/20/92	All
154	Mobile Data Report, Vol. 4, No. 16			05/04/92	All
155	Mobile Data Report, Vol. 4, No. 17			05/18/92	All
156	Mobile Data Report, Vol. 4, No. 19			06/15/92	All
157	Mobile Data Report, Vol. 4, No. 20			06/29/92	All
158	Mobile Data Report, Vol. 4, No. 21			07/13/92	All
159	Mobile Data Report, Vol. 4, No. 22			07/27/92	All

NON-PATENT LITERATURE AND REFERENCES

Reference No.	Publication	Title	Author	Date	Pages
160	Mobile Data Report, Vol. 4, No. 23			08/10/92	All
161	Mobile Data Report, Vol. 4, No. 24			09/10/92	All
162	Mobile Data Report, Vol. 4, No. 28			11/09/92	All
163	Telecommunications Industry Association ("TIA") Standards and Submissions			Pre 08/1993	All
164	American National Standards Institute ("ANSI") Standards and Submissions			Pre 08/1993	All
165	Electronic Industries Alliance ("EIA") Standards and Submissions			Pre 08/1993	All
166	3 rd Generation Partnership Project 2 ("3GPP2") Standards and Submissions			Pre 08/1993	All
167	IEEE CH2955-3/91/0000-0089	A Communication Protocol for a Multi-Level Secure Network	Mazeikis, MacEwen	03/91	89-103
168	IEEE 1989 Article	A Cryptosystem Using Digital Signal Processors for Mobile Communication	Tatebayashi, Matsuzaki, Newman	09/89	1145-1148
169	ICUPC '93, IEEE	A NOVEL METHOD FOR KEY EXCHANGE AND AUTHENTICATION WITH CELLULAR NETWORK APPLICATIONS	Coomaraswamy, Kumar	1993	186-190
170	Technical Report of IEICE, ISEC95-6 (1995-05)	A Study on Stream Ciphers suitable for Confidential Access to Digital Broadcasting System	Matsuzaki, Ohmori, Tatebayashi	05/95	All
171		Applied Cryptography - Protocols, Algorithms, and Source Code in C	Schneier	1996	1- 758

NON-PATENT LITERATURE AND REFERENCES

Reference No.	Publication	Title	Author	Date	Pages
172	IEEE	Authentication and Encryption in a Mobile Communication System	Akiyama, Sasaki	1993	927-930
173	IEEE, 1993	Authentication in Wireless Communications	Lin, Harn	1993	550-554
174	1993 IEEE Symposium on Research in Security and Privacy	Authentication Method with Impersonal Token Cards	Molva, Tsudik	1993	1-10
175	TR45.3 Appendix A to IS-54 Rev. B: Dual-Mode Cellular System.	Authentication, Message Encryption, Voice Privacy Mask Generation, Shared Secret Data Generation, A-Key Verification, and Test Data		02/92	All
176		Computer Networks, Third Ed.	Tanenbaum	1996	1-814
177	ICWC '92 IEEE	Cryptographic Security Technoques for Digital Mobile Telephones	Cooke, Brewster	1992	425-428
178	Computers & Security, Volume 12, No. 5	Data Security in X.25 networks	Labuschagne, Roos	08/93	469-475
179	System Security 887 - Proceedings of the Conference Held in London	Data Security in X-25 Networks	Sherwood	12/87	123-135
180	AT&T Bell Labs, July 7, 1993	Description of Receiver State Feedback Protocol	Nanda, Ejzak	07/07/93	1-8
181	NTT, Volume 37. No. 4/5 1988	Electrical Communications Laboratories Technical Journal - in foreign language	Miyaguchi, Shiraishi, Shimizu	1988	321-327
182		Handbook of Applied Cryptography	Menezes, Oorschoo, Vanstone	1996	1-780
183	Proceedings of 1992 Symposium on Research in computer Security CESORICS '92	KryptoKnight Authentication and Key Distribution System	Molva, Tsudik, Van Herreweghen, Zatti	08/24/93	1-16
184	Erricsson Review, Vol. 64, No. 2	Methods and Equipment for Encrypton	Blom, Ejewall, Moquist	1987	58-65

NON-PATENT LITERATURE AND REFERENCES

Reference No.	Publication	Title	Author	Date	Pages
185	TIA/EIA Standard	Mobile Station – Base Station Compatibility Standard		11/99	All
186	PGP User's Guide Vol. 1: Essential Topics; PGP Ver. 2.0 1 Sep 92	Phil's Pretty Good Software Presents - PGP - Pretty Good Privacy Public key Encryption for the Masses	Zimmerman, Finney, Lankester, Gutmann	09/03/92	1-31
187		PKCS #5: Password-Based Encryption Standard, RSA Data Security Inc., Version 1.4		06/03/91	1-7
188	IEEE Journal on Selected Areas in Communications Vol.11, No. 6	Privacy and Authentication on a Portable Communication System	Beller, Chang	08/93	821-829
189	Proceedings of the IEEE Vol. 67, No. 3, March 1979	Privacy and Authentication: An Introduction to Cryptography	Diffie, Hellman	03/79	397-427
190	AT&T Bell Labs, July 7, 1993	Proposed RLP Header Formats	Ejzak	07/07/93	1-3
191	Proceedings of 1st International Conference on Computer Workstations	Protocol Architecture for an Integrated, Encrypted Voice and Data Workstation Accessing a Packet-Switched Network	Kelly, Oestereich, Gan	11/11/85	151-156
192	CRYPTO 82	Randomized Encryption Techniques	Rivest, Sherman	1982	145-166
193	Globecom '85 IEEE Global Telecommunications Conference	Secure Packet voice Integration in a Generic Packet Switched Network; Part II - Protocol Architecture	Bernet, Gan, Oestereich	12/21/85	829-836
194		Security for Computer Networks, An Introduction to Data Security In Teleprocessing And Electronic Funds Transfer, 1984	Davies, Price	1984	360-365
195	The Journal for Professional Engineers	Stream Encryption	McArdle	08/97	821-822

NON-PATENT LITERATURE AND REFERENCES

Reference No.	Publication	Title	Author	Date	Pages
196	Addison-Wesley Publishing Co., 1993	The Basics Book of OSI and Network Management	Motorola, Inc.	1993	1-57
197	Abstract, MIT	The Evolution of the Kerberos Authentication Service	Kohl, Neuman, Ts'o	1991	1-15
198		Understanding the Raw Materials o the Internet - The First Book of Compression & Encryption	Hifn		1-26
199	Communications of the ACM, Vol. 21, No. 12	Using Encryption for Authentication in Large Networks of Computers	R Gaines	12/78	994-999
200		Why Encryption on the Internet Really Works - The Magic Public Key Encryption	Hifn		1-30
201		A5/1 GSM Algorithm specification			All
202		Rules for the Management and Distribution of the GSM A5/1 Algorithm Use for Signalling and Data Privacy" (SG.01)			All
203		Confidentiality and Restricted Usage Undertaking Related to the A5/1 Algorithm for Signalling and Data Privacy" (SG.02)			All

ITEMS OFFERED FOR SALE OR PUBLICLY USED OR KNOWN

Reference No.	Item
204	Pretty Good Privacy Encryption Algorithm
205	A5/1 GSM Encryption Algorithm

EXHIBIT B

PUBLIC EXHIBIT B

STATEMENT PURSUANT TO RULE 210.13(B)

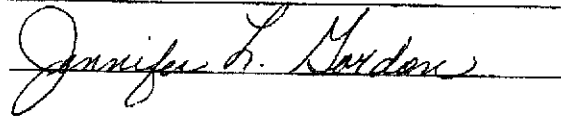
[illegible]

In the Matter of *Certain Gaming and Entertainment Consoles, Related Software, and Components Thereof*
Inv. No. 337-TA-752

CERTIFICATE OF SERVICE

I hereby certify that copies of **Respondent Microsoft Corporation's Response to Motorola Mobility, Inc. and General Instrument Corporation's Complaint and the Notice of Investigation** were served on the following parties as indicated below on this 11th day of January, 2011 as indicated:

The Honorable Marilyn R. Abbott Secretary to the Commission U.S. International Trade Commission 500 E Street, SW, Room 112 Washington, DC 20436	HAND DELIVERY
The Honorable Carl C. Charneski Administrative Law Judge U.S. International Trade Commission 500 E Street, SW, Suite 317 Washington, DC 20436	HAND DELIVERY
Pyong Yoon Attorney-Advisor U.S. International Trade Commission 500 E Street, SW, Suite 317 Washington, DC 20436	EMAIL pyong.yoon@usitc.gov
Anne Goalwin Office of Unfair Import Investigations U.S. International Trade Commission 500 E Street, SW, Suite 317 Washington, DC 20436	HAND DELIVERY
<i>Counsel for Complainant Motorola Mobility, Inc. and General Instrument Corporation</i> Charles F. Schill Steptoe & Johnson LLP 1330 Connecticut Avenue, NW Washington, DC 20036	HAND DELIVERY



In the Matter of *Certain Gaming and Entertainment Consoles, Related Software, and Components Thereof*
Inv. No. 337-TA-752

CERTIFICATE OF SERVICE

I hereby certify that copies of the Public Version of **Respondent Microsoft Corporation's Response to Motorola Mobility, Inc. and General Instrument Corporation's Complaint and the Notice of Investigation** were served on the following parties as indicated below on this 26th day of January, 2011 as indicated:

The Honorable Marilyn R. Abbott Secretary to the Commission U.S. International Trade Commission 500 E Street, SW, Room 112 Washington, DC 20436	EDIS
The Honorable Carl C. Charneski Administrative Law Judge U.S. International Trade Commission 500 E Street, SW, Suite 317 Washington, DC 20436	HAND DELIVERY
Pyong Yoon Attorney-Advisor U.S. International Trade Commission 500 E Street, SW, Suite 317 Washington, DC 20436	EMAIL pyong.yoon@usitc.gov
Anne Goalwin Office of Unfair Import Investigations U.S. International Trade Commission 500 E Street, SW, Suite 317 Washington, DC 20436	HAND DELIVERY and EMAIL anne.goalwin@usitc.gov
<i>Counsel for Complainant Motorola Mobility, Inc. and General Instrument Corporation</i> Charles F. Schill Steptoe & Johnson LLP 1330 Connecticut Avenue, NW Washington, DC 20036	HAND DELIVERY and EMAIL S&JMotorola752@steptoe.com

